

REMARKS

Claims 4, 5, and 17-22 are pending in the application. New claims 17-22 have been added. New dependent claim 17 recites the subject matter of claim 4, as amended in the amendment dated August 5, 2005, as well as further reciting that at least one wheel is operably attached to each of the lateral chassis portions. New dependent claim 18 recites the subject matter of claim 4 and that at least a pair of the wheels are operably attached to the first lateral chassis portion. New independent claim 19 is similar to claim 4 but recites the relationship of the switch to the chassis portions in a different way. New claims 20-22 correspond to claims 5, 17 and 18 but depend from claim 19. Support for new claims 17-22 are found at least in the original drawings, for example, Figs. 3 and/or 4. No new matter has been added by the amendment.

It is noted that in the Office Action dated September 8, 2005, claims 6-16 were indicated as pending in the application, and were rejected under 35 U.S.C. § 103(a). However, it is respectfully further noted that in the Amendment After Final Rejection filed on August 5, 2005, claims 6-16 were cancelled, and were thus cancelled prior to the Office Action of September 8. As claims 6-16 are cancelled, rejection of these claims is moot, and will not be further addressed.

Claim Rejection – 35 U.S.C. § 102 – Claims 4 and 5

The Examiner has rejected claims 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0051488 (Tachau *et al.*, hereinafter “Tachau”). The Examiner asserts that Tachau discloses each and every feature recited in claims 4 and 5. The rejections of claims 4 and 5 are respectfully traversed.

Original Claim 1, incorporated by dependency into original claims 4 and 5, recites, *inter alia*:

...

at least one light source, the controller circuit being configured to selectively supply power to **illuminate the at least one light source in response to a signal** indicating the vehicle is performing a particular maneuver,

a **hinged, three part chassis** having a first longitudinal end and a second, opposing longitudinal end and including a central chassis portion having opposing first and second lateral sides,

a first lateral chassis portion pivotally coupled with the central chassis portion on the first lateral side of the central chassis portion, and

a second lateral chassis portion pivotally coupled to the central chassis portion on a second lateral side of the central chassis portion,

wherein the first and second lateral chassis portions are coupled so as to pivot with respect to the central chassis portion in a common plane, and

wherein the signal is generated by a switch adapted to detect a position of at least one of the lateral chassis portions relative to the central chassis portion. (emphasis added)

Tachau fails to disclose the feature of a hinged, three-part chassis including first and second lateral chassis portions pivotally coupled to a central chassis portion. Tachau discloses various embodiments including a toy airplane having wings which are rotatably coupled to a remainder of a wing module 1608A, which in turn fixedly connects to a core module 1602A. The Examiner has asserted that pod modules 1610A disclose first and second lateral chassis portions pivotally coupled with a central chassis portion 1620A (presumably, meaning core module 1602A). On the contrary, pod modules 1610A are not disclosed to pivot with respect to the core module 1602A. The wings (not numbered) pivotally connect to a remainder of wing modules 1608A. The wing modules 1608A are fixedly attached to either the pod modules 1610A or the core module 1602A. Tachau not disclose first and second chassis portions pivotally coupled to a central chassis portion, as is recited in claim 4. A “chassis” is “the frame and working parts (as of an automobile or electronic device) exclusive of the body or housing” (see Merriam-Webster’s Collegiate® Dictionary, Eleventh Edition, 2003, First Printing, page 209, copy attached). The wings of Tachau are not themselves and do not disclose first and second lateral chassis portions pivotally coupled to a central chassis. The wings of Tachau are disclosed to be unitary components (see, for example, Fig. 16A), and there is no disclosure of a “frame” upon which the wing outer body or housing is mounted.

Furthermore, Tachau also fails to disclose at least the feature of claim 1 of a light source controlled to illuminate in response to a signal generated by a switch adapted to detect a position of at least one lateral chassis portion. The light sources of Tachau are disclosed to be controlled based upon generation of a signal from a gyroscope or accelerometer, or upon optical detection

of simulated “gunfire”, or upon command from the remote control unit. The light sources of Tachau are not disclosed to be controlled based upon position of the wings argued by the Examiner to disclose the lateral chassis portions.

As Tachau fails to disclose each and every element of claim 4, Applicants respectfully submit that claim 4, and claim 5 depending therefrom, are not anticipated by Tachau, and request that rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

New Claims 17-22

Applicants have added new independent claim 19 and new dependent claims 17, 18, and 20-22. As noted above, support for new claims 17 and 18 is found at least in the original drawings, for example Fig. 3. Applicants submit that new claims 17 and 18 are allowable over the prior art of record. In particular, Tachau fails to disclose at least one wheel operably attached to each of the first and second lateral chassis portions or at least a pair of wheels operably attached to the first lateral chassis portion. Accordingly, Applicants respectfully request allowance of new claims 17 - 18. Independent claim 19 calls for all of the elements of original claim 1 and the elements of original claim 4 but restates the relationship of the switch and the chassis portions based upon the disclosure of original Fig. 4. New claims 20-22 correspond to claims 5, 17 and 18 but depend from new claim 19. As noted above, each calls for an additional element or elements not taught or disclosed or suggested by Tachau.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 4, 5, and 17-22, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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(Date)

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